

INTERIM LOCAL RULES



February 25, 2002

Approved by the Bankruptcy Court following public comment, subject to final approval by the Judicial
Council of the Seventh Circuit
and the United States District Court for the Eastern District of Wisconsin

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LR 1002.1 Petitions, Schedules and Summary Information Sheet.

Number of Copies. All parties filing petitions for relief pursuant to the Code, other than electronically, shall file an original and copies as follows:

- (a) **Chapter 7.** The petitioner shall file an original and three copies for cases under chapter 7.
- (b) **Chapter 11.** The petitioner shall file an original and six copies for cases under chapter 11.
- (c) **Chapter 12.** The petitioner shall file an original and four copies for cases under chapter 12.
- (d) **Chapter 13.** The petitioner shall file an original and two copies for cases under chapter 13.

LR 1002.2 Summary Information Sheet. An original and one copy of the summary information sheet shall be filed at the time the petition is filed, unless the petition is filed electronically.

LR 1005 Disclosure of Spouse. In any case filed by a married debtor in which the debtor's spouse is not a joint debtor, the name, address, and social security number of the debtor's spouse shall be included in the notice of the §341 meeting of creditors, and the debtor's spouse's name shall appear in the caption of all notices.

LR 1007.1 Master List ("Matrix"). In all cases, the debtor shall prepare and file a separate master list in the form specified by the clerk. The master list shall serve as the official mailing list in all cases. The master list shall contain the name and address of all creditors and other parties in interest entitled to notice. The master list shall also include the name and address of the debtor's spouse if not a joint debtor. The debtor shall file two copies of the master list in chapter 13 cases.

LR 1007.2 Disclosure of Spouse's Earnings and Expenses. In any case filed by a married debtor in which the debtor's spouse is not a joint debtor, the statement of current earnings and expenses shall separately disclose the earnings and expenses of the debtor's spouse, if the debtor's spouse resides with the debtor.

LR 1007.3 Disclosure of Marital Agreements. The debtor's Statement of Executory Contracts and Unexpired Leases shall disclose any marital agreement that affects the classification of nonexempt assets of the spouses or that affects any liability of the spouses.

- LR 1007.4 Disclosure of Transfers and Loan Payments by The Debtor's Spouse.** In any case filed by a married debtor in which the debtor's spouse is not a joint debtor, the Statement of Financial Affairs shall include transfers of marital property by each spouse and loan payments made with marital property by each spouse.
- LR 1009 Amendment of Petition, Lists, Schedules and Statement of Affairs.** All amended Petitions, Lists, Schedules or Statements of Affairs shall include the entire Petition, Lists, Schedules or Statement of Affairs affected by the amendment and shall be filed together with the required oath by the debtor. If amending schedules D, E or F or the list of creditors, a supplemental master list shall be filed, listing only the new creditors. The debtor shall file proof of service of the amendment on all interested parties.
- LR 1013 Designation of Responsible Individual in Involuntary Corporate Cases.** Immediately after issuance of an Order for Relief, in a case where the debtor is a corporation or partnership, the petitioning creditors(s) shall seek an order designating an individual to be responsible for carrying out the duties of the debtor. Failure to seek such order may result in dismissal of the case or other appropriate action by the court.
- LR 1015 Administration of Related Cases.**
- (a) **Husband and Wife.** Cases commenced by the filing of a joint petition by or against a husband and wife shall be administered jointly unless the court directs otherwise.
 - (b) **Related Cases.** At the time a case is filed, the petitioner shall notify the clerk if the case is related to any other case in this district now pending or pending within the past two years. In the event the case is related to another pending case, the clerk shall assign the case to the judge who presided in the preceding related case.
- LR 1017 Conversion from Chapter 7, 11 or 12 to Chapter 13.** Upon conversion of a case from chapter 7, 11 or 12 to chapter 13, the debtor shall within 15 days file with the court and send to the trustee a chapter 13 statement, a copy of the proposed plan, schedules and other documents required by these rules and the Federal Rules of Bankruptcy Procedure.
- LR 2016 Applications for Compensation for Services Rendered and Reimbursement of Expenses.**
- (a) **Contents of Applications for Compensation.** All applications for Compensation shall provide all relevant information, including:
 - (1) A chronological record of time spent on a case, including the individual(s) participating and the subject matter of a meeting, letter, or

conference, with each task recorded in tenths of an hour; if the fee is anticipated to exceed \$10,000 for a professional or firm, a separate chronological record shall be kept for each major task;

- (2) A summary of the time expended by each person for whom compensation is sought;
- (3) A detailed breakdown by item and date of all disbursements and expenses;
- (4) An explanation of the need for compensation of more than one professional attending a hearing or meeting or the need for more than one level of review of work produced, in each instance for which multiple compensation is sought;

- (b) **Interim Compensation.** In addition to providing the information required under Federal Rule of Bankruptcy Procedure 2016 and Local Rule 2016 (a), applications for interim compensation shall include sufficient information to demonstrate that such interim allowance will not create an undue hardship on the debtor, the estate and all parties in interest.
- (c) **Final Compensation.** Applications for final compensation shall include a summary of all fees and expenses requested whether or not those fees and expenses have been paid in whole or in part through interim compensation. A detailed itemization of these charges need not be provided if it has been provided in an application for interim compensation. Applications for final compensation may include estimated amounts for anticipated services not yet rendered.

LR 3001.1 Secured Claims in Chapter 12 and 13 Cases. When a claim secured by real estate is filed, it shall separately state and itemize any claim for arrearages. A copy of any secured claim shall be sent to the debtor, the debtor's attorney and the standing chapter 12 or 13 trustee.

LR 3001.2 Precomputed Interest on Secured Claims in Chapter 12 and 13 Cases. A secured claimant seeking interest during the term of the plan shall separately show the principal sum due and the precomputed interest.

LR 3015 Modification of Chapter 13 Plans, Notice of Proposed Modifications and Hearing on Objections. The debtor shall give notice of a proposed modification to creditors adversely affected by the proposed modification. If there is no objection within 15 days, the debtor shall file an affidavit of no objection together with a proposed order modifying the plan. The debtor shall serve all affected parties with a copy of any order modifying the plan.

LR 3017 Disclosure Statement.

- (a) **Notice of Hearing and Disclaimer.** The proponent of a plan shall give notice of the hearing to consider approval of the Disclosure Statement. The notice shall include the following statement in bold face type.

THIS NOTICE DOES NOT CONSTITUTE A SOLICITATION OF
ACCEPTANCE OF A PLAN OF REORGANIZATION. ACCEPTANCE
MAY NOT BE SOLICITED UNLESS AND UNTIL THE DISCLOSURE
STATEMENT HAS BEEN APPROVED BY THE COURT.

- (b) **Required Statement.** After approval by the court, the Disclosure Statement, or a separate notice shall conspicuously state the following.

THIS DISCLOSURE STATEMENT HAS BEEN DETERMINED
BY THE COURT TO CONTAIN ADEQUATE INFORMATION AS
REQUIRED BY SECTION 1125 OF THE CODE. THIS
DETERMINATION DOES NOT CONSTITUTE RECOMMENDATION
OR APPROVAL OF THE PLAN BY THE COURT.

LR 4001 Cash Collateral. A motion seeking authorization to use cash collateral under §363 of the Code shall include the following information:

- (a) name, address and telephone number of each creditor claiming a security interest in the cash collateral and of the creditor's attorney, if known;
- (b) efforts made to contact such creditors and their attorneys with regard to the motion;
- (c) the total dollar amount of cash collateral sought to be used or the method of determining the amount; and
- (d) a description of the adequate protection proposed for each creditor claiming an interest in the cash collateral.

LR 5005.1 Electronic Filing. The court will accept for filing documents submitted, signed or verified by electronic means that comply with procedures established by the court.

LR 5005.2 Facsimile Filing.

- (a) Upon application certifying exceptional circumstances and such notices as the court may require, the court may authorize the filing by facsimile transmission of documents other than a bankruptcy schedule or amendments thereto.

- (b) A facsimile filing is deemed to occur upon the print out and receipt of the document in the office of the clerk except as otherwise provided in this rule.
- (c) Where the facsimile filing occurs after 4:30 p.m. weekdays, on a Saturday, Sunday or legal holiday, the filing is deemed to have occurred at 8:30 a.m. on the next business day.
- (d) Such filing may be disregarded unless the original document is filed in the office of the clerk within five days after such filing

LR 7004 Adversary Filing Procedures.

- (a) **Number of Copies.** In adversary proceedings not filed electronically, an original and one copy of all documents shall be filed, except as provided in 7004(b) and (c).
- (b) **Adversary Proceeding Cover Sheet.** Form B104 shall be filed with the filing of a complaint.
- (c) **Issuance of Summons.** The plaintiff shall submit to the Clerk one original Summons and Notice of Trial (or Pretrial Conference).
- (d) **Copies of Summons and Complaint to be Provided to the U.S. Trustee.** A copy of the Summons and Complaint and Adversary Proceeding Cover Sheet shall be transmitted by the plaintiff to the U.S. Trustee. No other pleadings shall be transmitted to the U.S. Trustee unless specifically requested by that office.

LR 7005 Proof of Service. Certification or proof of service of a copy of any pleading shall be endorsed upon any part of the pleading, or attachment thereto, and shall indicate the date, method of service, and names and addresses of parties served.

LR 9001.1 Rules of Construction.

- (a) Wherever used in these rules or in the Local Rules for the United States District Court for the Eastern District of Wisconsin, the word “clerk” means Clerk of the United States Bankruptcy Court for the Eastern District of Wisconsin, unless the context requires reference to the Clerk of the District Court.
- (b) Reference to “judge” in the Local Rules for the United States District Court for the Eastern District of Wisconsin shall include bankruptcy judges unless the context requires otherwise.

- (c) These Rules are intended to be enforced primarily on the court's own initiative, and the filing of motions alleging noncompliance with a rule shall be reserved for egregious cases.

LR 9001.2 **Applicability.** The word "motion" in these rules, applies to all motions, applications, notices of intended action and objection, U.S. Trustee comments and related matters.

LR 9004 **Form and Number of Documents.**

- (a) **Size and Legibility of Documents Generally.** All documents not filed electronically, except exhibits, shall be on letter size (8 ½" x 11") durable, opaque, unglazed paper, fastened at the top without special backing or binding; plainly and legibly written, typewritten, printed or reproduced; and without erasures or interlineations materially defacing them. Documents that are not typewritten or otherwise printed shall be in ink or its equivalent. Except for exhibits, only one side of each paper shall be used. All pages shall be sequentially numbered.
- (b) **Pleadings, Motions, Briefs.** All pleadings, motions, responses to motions, briefs, stipulations, affidavits, and proposed orders shall be double spaced and in not less than 12 point type, unless that judge authorizes in advance an alternative method. No brief shall exceed 15 pages, excluding exhibits and attached cases, without prior express authorization of the judge. Exhibits, including discovery documents, shall be limited to those to which reference is made in the brief or memorandum.
- (c) **Rule Not Applicable to Approved Forms.** Forms approved by this court or approved for use in federal courts are exempt from these requirements.
- (d) **Identification of Documents.** All documents shall include the name of the court, the title of the case, the chapter number, the proper case number with the initials of the assigned judge, and the name or nature of the document. All pleadings shall be signed by an attorney, or by the litigant if appearing pro se, and have typed thereon at the bottom left of the first page, single spaced, the name, address, telephone number, fax number and e-mail address of each person signing the pleading.
- (e) **Original and One Copy Required.** Except as noted in Local Rule 1002.1, all documents, not filed electronically, including all correspondence, shall be filed in the original with one additional copy for a chambers copy. If a person requests a conformed copy, an additional copy and a self-addressed stamped envelope shall be furnished by the requesting person.

- (f) **Forms of Proposed Orders.** Each proposed order shall be submitted as a separate document. The signature line for the judge shall not appear on a continuation page that is blank or that contains only the case number and title of the case. The name, address, telephone number, fax number and e-mail address of the person, other than the court, drafting the proposed order shall appear in the lower left hand corner of the first page, single spaced.

LR 9006 Motions for Extension of Time. A motion for an extension of time shall state the date the original time will expire and the names of all known persons who may be adversely affected by the extension.

LR 9010.1 Withdrawal and Substitution of Attorneys of Record. An attorney who has appeared as the attorney of record for the debtor, trustee, creditors' committee, or party in a case, adversary proceeding, or contested matter may not withdraw, be relieved or displaced except by notice to the party represented and any adversaries and by leave of the court.

LR 9010.2 Disclosure of Attorney Who Drafts Petition, Pleading, Proposed Order, Trial-Related Document, Schedule, or Statement of Affairs; Prohibition Against Ghostwriting. Any attorney, whether or not the attorney of record, who makes a major, substantive contribution to a petition, pleading, proposed order, trial-related document, schedule, or statement of affairs which is filed with the court or is intended to be filed with the court shall disclose the name, address, phone number, facsimile number, and e-mail address of the attorney in the lower left corner of the first page.

LR 9011 Attorney's Signature Block. If the debtor is represented by an attorney, the attorney's name, address, telephone number, fax number and e-mail address shall be typed below the attorney's signature.

LR 9013.1 Form of Motions, Notices and Orders.

- (a) **Caption.** Every motion, proposed order and notice of intended action shall contain in the caption a description of the relief requested or action intended.
- (b) **Reliance Upon Matters of Fact.** When a motion relies in whole or in part upon matters of fact, the motion shall be served and filed with supporting documents.

LR 9013.2 Proof of Service. Every motion shall be accompanied by a declaration of service, which shall name the parties who were served or will be served, and the date and method of service. If the declaration names parties who will be served, another declaration of service shall be filed confirming that such parties were actually served, and the date and method of service.

LR 9014.1 Affidavit of No Objection. If no objection has been filed to a motion, the movant shall file an Affidavit of No Objection, and the court may sign an order granting the motion or may set a hearing on the motion.

LR 9014.2 Hearings.

- (a) **Hearings on Motions.** Prior to a hearing, the movant and any party objecting thereto shall promptly attempt to resolve by agreement all matters believed to be in dispute. In addition, they shall make a reasonable effort to determine the evidence and the length of time necessary for a hearing on said motion. As soon as practicable, the parties shall advise the courtroom deputy clerk of the anticipated length of the hearing.
- (b) **Proposed Orders.** The court shall ordinarily hold proposed orders for five business days after the date of their receipt for comments or objections, which shall be in writing.

LR 9029.1 Adoption of Rules. The United States Bankruptcy Court for the Eastern District of Wisconsin hereby adopts these Local Rules. These rules shall apply to all cases and proceedings in the United States Bankruptcy Court for the Eastern District of Wisconsin now pending or commenced hereafter. In addition, the Local Rules of the United States District Court for the Eastern District of Wisconsin, of which this court is an adjunct, shall apply in all cases and proceedings except to the extent they are inconsistent with the Federal Rules of Bankruptcy Procedure or these Local Rules.

LR 9029.2 Waiver or Modification of Local Rules. The court may waive or modify any of these Local Rules.

LR 9036 Authorization of use of court's transmission facilities. This court is authorized to use its own transmission facilities in connection with authorized electronic service among parties or from the courts.

THE EASTERN DISTRICT OF WISCONSIN

